



BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wisconsin Power and Light Company and Wisconsin Electric Power Company for a Certificate of Authority to Install a Selective Catalytic Reduction System for Nitrogen Oxide Removal on Unit 5 at the Edgewater Generating Station, Sheboygan County, Wisconsin	5-CE-137
Application for Intervenor Compensation Filed by Sierra Club John Muir Chapter for \$125,170 to Participate in Docket 5-CE-137	1-IC-411

**ORDER**

At its open meeting of March 12, 2009, the Commission modified and approved the application for intervenor compensation for the participation of Sierra Club in the proceeding investigating the application of Wisconsin Power and Light Company and Wisconsin Electric Power Company for authority to construct selective catalytic reduction (SCR) facilities and associated equipment on Unit 5 of the existing Edgewater Power Plant.

The Commission approved a total of \$63,410 for Sierra Club to examine the proposed project from the perspectives of cost and the environment. The approved amount includes \$25,000 for legal services of Garvey McNeil and McGillivray S.C. (to be reimbursed at a rate not to exceed \$175 per hour); \$13,000 for consulting services from Dr. Phyllis Fox, Ph.D., P.E.; \$21,000 for consulting services from Synapse Energy Economics, Inc.; and \$4,410 for Sierra Club's internal costs.

Dockets 5-CE-137, 1-IC-411

Commissioner Azar dissented as to the rate reduction from \$180 to \$175 per hour awarded for legal services to be provided in connection with this Sierra Club request.

In approving this application, the Commission finds that Sierra Club meets the intent of Wis. Admin. Code ch. PSC 3.

Dated at Madison, Wisconsin, March 16, 2009

By the Commission:

A handwritten signature in cursive script, reading "Sandra J. Paske", written over a horizontal line.

Sandra J. Paske  
Secretary to the Commission

SJP:JAL:mem:g:\order\pending\5-CE-137, 1-IC-411 Final.doc

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN  
610 North Whitney Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE  
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE  
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

*PETITION FOR REHEARING*

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

*PETITION FOR JUDICIAL REVIEW*

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.<sup>1</sup> The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

---

<sup>1</sup> See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.